IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 984 of 2005

Between:

M/s. Geetha Parishramika Shakara Sangham

(Toddy Tappers' Co-op., Society), Attapur at No. 521,
Joshivada, Attapur, Rajendernagar Mandal, District

Ranga Reddy rep by President Sri
M. Dayakar Goud S/o Balaiah Goud R/o Attapur, Mandal,

Rajendernagar Ranga Reddy District

..... PETITIONER

AND

1 The State of A.P., rep by The Superintendent

(Prohibition & Excise), Ranga Reddy District, at Hyderabad
2 Smt. Alwala Shobha Rani W/o Dr. Gyaneshwar Rao
R/o 19-5-103/6, Bahadurpura Housing Board Colony,

Bahadurpura, Hyderabad
3 Sri. Dr. A. Gyaneshwara Rao S/o Late Dr. A. Lakshmaiah
R/o 19-5-103/6, Bahadurpura Housing Board Colony,

Bahadurpura, Hyderabad
4 Smt. A. Vimala W/o Dr. A. Gyaneshwara Rao
r/o Triveni Nursing Home Kishan Bagh, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ or direction particularly Writ in the nature of Mandamus declaring the action of the respondent NO.1 herein issuing the proceedings in Cr. No. C2/8637/2002 dt 28th Jan., 2003 so also C2/8037/2004 dt 5th Jan/., 2005 to the

petitioner as arbitrary, illegal and high handed.

Counsel for the Petitioner: MR.BAJRANG SINGH THAKUR

Counsel for Respondent No.1: GP FOR PROHIBITION & EXCISE

Counsel for Respondent No.2: MR. R.A.ACHUTHANAND

Counsel for Respondent No.3: MR. D.MADHAVA RAO

Counsel for Respondent No.4: None appeared

The Court at the interlocutory stage made the following:

ORDER:

M/s.Geeta Parishramika Sahakara Sangham, Attapur, assails a notice issued by the first respondent. The same is explanatory and reads as under.

> The President, T.C.S.Attapur is hereby informed that notice was issued vide this office Cr.No.C2/8637/2002 dt.28.1.03 directing to select a new place for shifting the toddy shop, but even after lapse of about 2 years he has not submitted any proposals.
>
> Through the reference second cited, owner of the premises (through Advocate) in which the Toddy shop, Attapur is functioning has given a notice to you (copy marked to this office) demanding to pay monthly rentals for the period from August,2002 to December,2004 and the owner the lease by end of 31.1.2005 or vacate the shop failing which the President T.C.S is liable to pay damages for the use of premises occupation illegally.
>
> In view of the above you are hereby directed to submit a copy of Rental Agreement for taking further action.

This Court fails to understand as to the redressable grievance of the petitioner. On a notice issued by the landlords of the premises where the petitioner is running toddy shop informing that the lease period expired on 31.01.2005, so as to verify the fact, the first respondent directed the petitioner to submit the rental agreement. The same does not give any cause of action for invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

If the petitioner has already submitted an explanation as is now alleged, it shall be open to the first respondent to consider the same after giving notice to the landlords and the petitioner and pass appropriate orders. In this writ petition no relief can be granted.

The writ petition, with the above observation, at the interlocutory stage is dismissed. No costs.

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(V.V.S.RAO, J)

28.06.2005

vs

To

1 The Superintendent, State of A.P.,

(Prohibition & Excise), Ranga Reddy District, at Hyderabad
2 2 CCs to Government Pleader for Prohibition and Excise,

High Court Buildings, Hyderabad. (OUT)

3 2 CD copies